

REMARKS

Status Summary

Claims 1-37 are pending in the present application, with claims 1, 12, 22, and 28 presented in independent form. Claims 1-37 stand rejected. Claims 1-11 and 13-37 are amended.

Claim Amendments

Claims 1-11 and 13-37 have been amended to correct minor typographical and/or formatting errors. As such, it will be understood that the scopes of the amended claims have not been narrowed or even changed by this Amendment. Moreover, the rationale underlying the grammatical amendments bears no more than a tangential relation to any equivalent of the amended subject matter. Accordingly, those seeking to interpret these claims should not limit them only to their literal scopes. Moreover, the minor nature of the amendments would not necessitate that a subsequently mailed paper, if any, rejecting the claims for grounds similar to the rejections raised in the present Office Action be made "final."

Claim Rejection(s) - 35 U.S.C. § 112

Claims 24 stands rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention due to ambiguous language. The Examiner asserts that a reasonable artisan skilled in the art could not comprehend the claims as written. The Examiner continues, stating that:

The phrase "imaging related function" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "imaging related function"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d). For purposes of examination "imaging related function" is understood as imaging function". This is applicable to all other claims where the phrase "imaging related function" is found.

Applicant respectfully disagrees.

Applicant describes throughout the originally-filed application the meaning of the phrase "imaging related function." For example, Applicant describes on page 6, lines 14-19, of the specification that:

The method and system further include providing a list of the images associated with a user's account to the web application, wherein the list of images includes an image reference for each image and an indication of whether each image is stored on the device or on the photo-service site, such that the web application may perform at least one function on the user's images regardless of where the images are stored. (emphasis added).

Applicant also describes on page 11, line 19, through page 12, line 4, that:

According to a further aspect of the present invention, developers who have registered with the image gateway 18 may post web applications 42 on the image gateway 18 for access by the client devices 12. In a preferred embodiment, the web applications 42 are imaging related and allow the users of the client devices 12 to manipulate their images in some manner. Examples of such imaging-related web applications 42 that may be provided include an upload image application that uploads images from the client device 12 to a photo-hosting service 14 via the image gateway 18, and a search application that searches for the user's images, for instance. (emphasis added).

The "upload" and "search" applications (or functions) described above are examples of the imaging related functions that the web application defined in claim 24 can perform on the image files.

Applicant further describes on page 16, beginning at line 12, that "Referring again to Figures 2A and 2B, after receiving the image list 50, the web application 42 selects a set of images to reference for display and/or to perform a function on in step 112" (emphasis added). Applicant then proceeds to describe a viewing function (see, e.g., page 16, line 17, through page 17, line 15); color balance, contrast enhancement, and rotate operations or functions (see, e.g., page 17, lines 16-17); and a delete function (see, e.g., page 18, lines 3-20). Applicant also describes on page 19 of the original specification, in conjunction with FIG. 4, an example where the web application

42 provides an image upload function for the user of the browser-enabled client device 12. Applicant describes that "During normal operation of the client device 12, the user may be shown a homepage of the image gateway 20, which displays a selection of image-related functions the user may want to use in step 200." (emphasis added).

In view of the above-cited portions of the specification describing various imaging related functions, Applicant disagrees with the Examiner's contentions that the phrase renders claim 24 ambiguous and that a reasonable artisan skilled in the art could not comprehend the claim as written. Applicant strongly disagrees with the Examiner's interpretation that the objected-to phrase is understood to mean simply an "imaging function." Instead, the phrase imaging related functions can encompass those functions that can be performed with or on images including, but not limited to, the viewing, color balance, contrast enhancement, and rotate, deleting, and uploading functions described in the portions of the specification cited above. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the indefiniteness rejection for the above reasons.

Claim 24 is further rejected under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant respectfully disagrees. Dependent claim 23 properly defines that the files recited in independent claim 22 comprise image files and dependent claim 24 further defines that the web application recited in claim 22 performs an imaging related function on the image files. Accordingly, claims 23 and 24 recite proper antecedent basis and further define the subject matter recited in independent claim 22. Applicant thus asserts that claim 24 is properly presented, and respectfully requests that the Examiner reconsider and withdraw the indefiniteness at an early date.

Claim Rejection(s) - 35 U.S.C. § 102

Claims 1-3 and 12-14 stand rejected as being anticipated by U.S. Patent No. 6,715,003 to Safai. Applicant respectfully disagrees.

Anticipation requires that every feature of the claimed invention be shown in a single prior document. *In re Paulsen*, 30 F.3d 1475 (Fed. Cir. 1994); *In re Robertson*, 169 F.3d 743 (Fed. Cir. 1999). The pending claims positively recite features that are not described in the cited document. For example, claim 1, recites, among other things,

providing a list of the images associated with a user's account to the web application, wherein the list of images includes an image reference for each image and an indication of whether each image is stored on the device or on the photo-service site, such that the web application may perform at least one function on the users images regardless of where the images are stored. (emphasis added).

The Examiner asserts that Safai describes the above-cited feature at column 16, lines 53-64, column 20, lines 1-46, and column 20, line 65, through column 21, line 65. Applicant has carefully reviewed the cited portion and respectfully disagrees with the Examiner's assertion for the following reasons.

The cited portion of Safai first describes in the paragraph bridging columns 20 and 22 that "using software elements 220, a user may establish an FTP connection between camera 100 and server 810. Using the user's account at service provider 800, the user uploads one or more digital images taken by camera 100 to server 810." Safai then describes that "The server 810 sends digital image data to the photographic printing machine 840 together with commands that instruct the machine about how to print the images." Since no particular part of the cited portion (spanning two columns of Safai) has been identified as being particularly relevant to the claimed subject matter, Applicant must presume from the Examiner's reliance on the cited portion that the Examiner contends Applicant's "web application" reads on the code (or application) running on Safai's server 810 to send images to his photographic printing machine 840 for printing. But this is not correct.

First, neither Safai's code to transfer images from the server 810 to the photographic printing machine 840 for printing nor any code described to upload images from the camera 100 to the server 810 is downloaded to the camera 100, as claim 1 requires. Indeed, Safai describes that images are uploaded from the camera 100 to the

server 810 via an FTP connection between the devices. Second, Safai does not describe providing a list of the images associated with a user's account to a web application, as claim 1 requires. Instead, Safai describes sending the actual images from the camera 100 to the server 810 via the aforementioned FTP connection, and then resending those same images (not a list) from the server 810 to the photographic printing machine 840 for printing. Third, and likely most significantly, Safai does not describe including an image reference for each image and an indication of whether each image is stored on the device or on the photo-service site with a list of images.

Nothing in Safai describes providing a list of images to a web application along with an indication as to whether those images are stored on Safai's camera 100 or on his server 810. For example, Safai describes at column 21, lines 20-27, that:

server 810 has a database 830. Database 830 stores one or more account records for users of cameras 100 who maintain accounts at server 810. Database 830 may store the account records itself or may provide pointers to the directory structure of server 810. For example, each account-holder can have a directory within the file system of server 810. Each directory stores one or more digital images. (emphasis added).

The database 830 described in Safai only includes pointers corresponding to storage locations in the server 810. The database 830 does not include pointers that correspond to storage locations within the camera 100 where images may be stored.

It is not surprising that Safai does not describe including an indication of whether each image is stored on the device (e.g., the camera 100) or on the photo-service site (perhaps server 810). First, since the images themselves are being sent from Safai's server 810 to his photographic printing machine 840 for printing, a list of images and an indication of where else those images may be stored (e.g., on the server 810) is unnecessary. See, e.g., column 21, lines 49-52, of Safai, describing that "in response to a request by software elements 220, services 802 cause an uploaded digital image to be printed on the photographic printing machine 840, resulting in creation of one or more photographic prints." (emphasis added to show that only images uploaded to the server 810 are printed on the photographic printing machine 840). Second, Safai's

printing application is not capable of accessing images stored in the camera 100, thus any indication that images are stored in the camera 100 could not be utilized by the application.

Applicant recognizes this limitation of the prior art (as exemplified by Safai) when he describes on page 5, lines 6-22, of the originally filed specification that:

The second problem with equipping digital cameras with web browsers for displaying web applications from photo-service sites is the limitations inherit in web browsers, which is that browsers typically do not allow web applications to have access to content of the requesting device. Using a PC environment as an example, assume a user wants to upload images to a photo-sharing site on the Internet using a browser. To upload images, the user navigates to the photo sharing site and clicks an "upload" button. In response, the photo sharing site sends an upload web page to the user's PC. Because of the web browser does not allow the upload web page to access to the hard drive, the upload page displays several blank image name fields for the user to fill-in. If the user does not know the names of the images, the user must click a "browse" button on the web page in order to search the directories on the PC for the desired image files. Once the user navigates to the correct directory and selects one of the images files, the name of the image file is then inserted into one of the image name fields on the web page. The process is then repeated for each image the user wants to have uploaded.

Due to limitations imposed by web browsers on web applications with respect to the ability to access the internal storage of the requesting device, the process of manipulating images over the Internet via web browsers is burdensome and inefficient.

Safai's application for sending images from the server 810 to the photographic printing machine 840 exhibits the same limitations described in above-cited passage from Applicant's written description. Namely, Safai's print application does not have access to the content of the camera 100. Thus, providing an indication to the printing application that images for printing are stored of the camera 100 could not be utilized, and thus is absent from the teachings of Safai.

Accordingly, claim 1 is believed to be novel in view of Safai for at least the above reasons. Independent claims 12, 22, and 28 recite features substantially similar to

claim 1, and are believed to be allowable for these same reasons. For example, these claims recite that an indication of whether an image is stored on a device (or client device) or on a photo-sharing site (or remote server) is provided to a web application. Although independent claims 22 and 28 are rejected for obviousness over Safai in view of U.S. Patent No. 6,009,410 to LeMole et al. ("LeMole"), the Examiner does not rely on LeMole to describe the absent features discussed above, and Applicant respectfully asserts that LeMole does not cure the defects of Safai. Finally, the remaining claims of the application, which depend either directly or indirectly on one of claims 1, 12, 22, and 28, are believed to be allowable for at least the same reasons as their respective base claims are considered allowable.

CONCLUSION

In view of the above, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited. The Examiner is respectfully requested to telephone the undersigned patent attorney at the below-listed number if, after reviewing the above Remarks, the Examiner believes outstanding matters remain that may be resolved without the issuance of a subsequent Official Action.

Application No. 09/751,082
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Reply to Office Action mailed May 10, 2006

Attorney Docket No. P212
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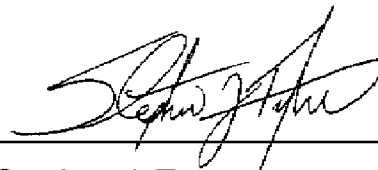
DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with the filing of this paper to Deposit Account No. 50-3512.

Respectfully submitted,

Date: August 10, 2006

By:

A handwritten signature in black ink, appearing to read "Stephen J. Tytran", written over a horizontal line.

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